THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 28430 of 1995

Dated: 28.11.2006

Between:

K. Nagaraju

… Petitioner

AND

The Chairman, Industrial Tribunal-cum-
Labour Court, Ananthapur & another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 28430 of 1995

ORDER:-

This writ petition is filed questioning the Award of the 1st respondent, Labour Court, made in I.D.No.5 of 1991 dated 18.03.1993 to the extent it has converted the punishment of removal into one of withholding of stoppage of two increments with cumulative effect without backwages, instead of unconditional reinstatement.

The petitioner was working as a driver in the 2nd respondent Depot and for his unauthorized absence from 27.04.1987 to 11.05.1987, departmental proceedings were initiated against him, which culminated in his removal from service. Questioning the said order, a departmental appeal was filed, which was dismissed. Therefore, the petitioner approached the 1st respondent, Labour Court. The Labour Court, having considered the material on record, held that though the finding that the petitioner was unauthorisedly absent, did not call for any interference, however, converted the punishment of removal into one of withholding of stoppage of two increments with cumulative effect and reinstatement without backwages, on the ground that the punishment is too harsh and disproportionate.

Ordinarily, the Courts would not interfere with the quantum of punishment, once the finding of misconduct is not interfered with. Only in cases where the punishment is too disproportionate which shocks the conscience of the Court that the Courts do interfere with the quantum of punishment. As the 1st respondent, Labour Court, felt that the punishment was too disproportionate, the punishment was converted as mentioned above.

The 1st respondent having already exercised its discretion in favour of the petitioner, I feel, the petitioner does not deserve any further indulgence by this Court. As regards the punishment imposed on him, the petitioner failed to make out any case on merits. Hence, the writ petition is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 28.11.2006
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